IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19396 of 2004

Between:

N. Govindachary, S/o. Brahmam
R/o. Kothagudem, Khammam District.

..... PETITIONER

AND

1 Regional Transport Officer, Khammam.
2 Motor Vehicles Inspector, Kothagudem, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent No.1 in not issuing the Duplicate RC Book in favour of the petitioner and the action of the respondent No.2 in seizing the petitioner's vehicle Maruthi Van No.DNA 7123 as arbitrary, illegal, null and void, Consequently direct the respondent No.1 to issue Duplicate RC Book in favour of the petitioner basing a letter addressed by the Forest Officials and be pleased to direct the respondents No.1 & 2 to release the vehicle Maruthi Van No. DNA 7123 in favour of the petitioner.

Counsel for the Petitioner: MR.K.VENUMADHAV

Counsel for the Respondents : GP FOR TRANSPORT

The Court, at the admission, made the following :

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O R D E R:

The vehicle of the petitioner was seized by the second respondent vide Check Report No.2917491, dated 29.09.2004 for certain irregularities.

2. Learned counsel for the petitioner contended that the petitioner purchased the said vehicle in an auction and he is having all the necessary documents and therefore, seizure of the vehicle is without jurisdiction.

3. As seen from the impugned proceedings, the vehicle was seized for certain irregularities under the Motor Vehicles Act. Admittedly, the petitioner has not filed any application before the first respondent, who is competent authority, seeking interim custody of the vehicle. Therefore, the petitioner is directed to file an application before the first respondent, and on filing of such application, the first respondent shall dispose of the same in accordance with law, within three days, thereafter.

4. Accordingly, the writ petition is disposed of with the said observation.

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K.C.BHANU, J.

Dated: 19.10.2004

gs/dsk

To

1 The Regional Transport Officer, Khammam.
2 The Motor Vehicles Inspector, Kothagudem, Khammam District.

3. 2CCs to the G.P. for Transport, High Court of A.P. Hyderabad(OUT)

4. 2CD copies